

**Notice of Allowability**

Application No.

09/662,679

Examiner

Kieu D. Vu

Applicant(s)

MARTINS, FERNANDO C. M.

Art Unit

2173

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to The Amendment filed 09/02/05.
2. ☒ The allowed claim(s) is/are 3, 7, 10-12, 15-21, and 31-39 (renumbered as 1-21).
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

*Kieu D. Vu*

AT

### EXAMINER'S AMENDMENT

1. The amendment filed 09/02/05 has been entered.
2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.
3. Authorization for this examiner's amendment was given in a telephone interview with Applicant's representative Scott Harris on 09/22/05.
4. Specification and Claims have been amended as follows:

Specification:

Page 2, line 16:

Please replace "temporallysegmenting" with "temporally segmenting"

Page 19, please insert the following paragraph between line 21 and line

22:

--This may also be tangibly stored on a computer readable medium  
that has instructions to carry out these operations.--

Claim 31:

Line 1, after "method", insert -- for recognizing gestures in video data at  
times associated with music --

Line 10, after "window" insert --during which a target gesture should  
occur--

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Replace text of lines 11-16 with the following text

--segmenting said video data to form individual frames of video data and investigating said frames to recognize gestures in said frames and to determine gesture probabilities which represent whether said gestures represent target gestures; and

determining if a gesture probability associated with said gestures represents that the target gesture has been determined during said frame.--

Claim 32:

Line 1, after "system", insert -- for recognizing gestures in video data at times associated with music --

Line 5, replace "processor" with "recognition subsystem and timing data source "

Line 7, replace "specified" with "target"

Line 11, replace "processor" with "recognition subsystem and timing data source"

Lines 14-15: replace "a target gesture associated with a specified beat data." with "the target gesture."

Claim 33:

Line 14, after "window" insert --during which a target gesture should occur--

Lines 19-20, replace "a target gesture" with "the target gesture"

Claim 3:

Line 2, replace "clip" with "data"

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Claim 7:

Delete "and wherein said target gesture represents said desired gesture"

Claim 10:

Line 3, replace "clip" with "data"

Claim 11:

line 3: replace "a target gesture" with "the target gesture"

Claim 15:

Line 2, replace "processor" with "recognition subsystem and timing data source"

Claim 16:

Lines 3-4, replace "temporal segmentor" with "recognition subsystem and timing data source"

Line 4, delete "data"

Line 5, replace "processor" with "recognition subsystem and timing data source"

Claim 17:

Line 3, replace "processor" with "recognition subsystem and timing data source"

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Line 4, delete "data"

Claim 18:

Line 3, delete "data"

Claim 19:

Line 3, replace "processor" with "recognition subsystem and timing data source"

Claim 20:

Line 3, delete "clip"

Claim 35:

Line 4, replace "meeting" with "audio"

Claim 36:

Line 2, replace "processor" with "recognition subsystem and timing data source"

Claim 37:

Line 2, replace "processor" with "recognition subsystem and timing data source"

***Allowable Subject Matter***

5. Claims 3, 7, 10-12, 15-21, and 31-39 are allowed.

6. The following is an examiner's statement of reasons for allowance:

Examiner has carefully considered the independent claims 31, 32, and 33.

The steps for recognizing gestures in video data at times associated with music as recited in claims 31, 32, and 33 are not taught or suggested by the prior art of record. The prior art fails to teach using music beats to define gesture

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windows during which a target gesture is recognized from video data based on the gesture probabilities that the gestures represent a target gesture. Nguyen (USP 6256033) teaches a gesture recognition system for recognizing gestures made by a subject within a sequence of images, but fails to teach using music beats to define a gesture window. Suzuki (USP 6227968) teaches a dance game apparatus which determines whether the user is stepping at the right rhythm based on collection of stepping positions on step sensors, but fails to teach recognizing a gesture from video data based on the probabilities that the observed gestures represent a target gesture.

7. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kieu D. Vu. The examiner can normally be reached on Mon - Thu from 7:00AM to 3:00PM at 571-272-4057.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca, can be reached at 571-272-4048.

The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

571-273-8300

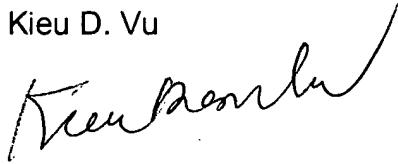
and / or:

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571-273-4057 (use this FAX #, only after approval by Examiner, for "INFORMAL" or "DRAFT" communication. Examiners may request that a formal paper / amendment be faxed directly to them on occasions).

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kieu D. Vu

A handwritten signature in black ink, appearing to read "Kieu D. Vu", with a stylized flourish at the end.